

**FILED**

OCT 17 2016

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH MARTIN KYLE,

Defendant,

OFFENDER FINANCE SERVICES, STATE  
OF MISSOURI DEPARTMENT OF  
CORRECTIONS,

Garnishee.

CASE NO. 10-00245-01 CRB

WRIT OF CONTINUING GARNISHMENT

TO: Offender Finance Services  
State of Missouri Department of Corrections  
Attn: Lita Hood  
2729 Plaza Drive  
Jefferson City, MO 65102

**YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE UNITED  
STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE DEFENDANT**

WRIT OF CONTINUING GARNISHMENT  
CR 10-00245-01 CRB

**-JUDGMENT DEBTOR HAS A SUBSTANTIAL NONEXEMPT INTEREST.**

The name, last known address, and last four digits of the social security number of the person who is the defendant-judgment debtor ("defendant") in this action and whose property is subject to this Writ are as follows:

Kenneth Martin Kyle, 1285046  
Missouri Department of Corrections  
ERDCC, 2727 Highway K  
Bonne Terry, MO 63628  
Social Security Number (last four digits): XXX-XX-8648

This Writ has been issued at the request of the United States of America to enforce the collection of a criminal judgment entered in favor of the United States against the defendant for a debt in the original amount of \$50,100.00. There is a balance due of approximately \$46,187.35.

The following are the steps that you must take to comply with this Writ. If you have any questions, you should consult with your attorney.

1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or possession any property of the defendant (including wages, salary, commissions, or bonuses; or periodic payments pursuant to a pension or retirement program) in which the defendant has a substantial nonexempt interest, or if you obtain custody, control, or possession of such property while this Writ is in effect, you must immediately withhold such property from the defendant and retain it in your possession until you receive instructions from the Court which will tell you what to do with the property. With respect to the defendant's wages, salary, commissions, or bonuses; or periodic payments pursuant to a pension or retirement program, you must withhold twenty-five percent (25%) of such amount(s) after all deductions required by law have been withheld. See, 28 U.S.C. §§ 3205(a) and 3002(9).

2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within 10 days after service of this Writ upon you. You must answer the Writ even if you do not have in your custody, control, or possession any property of the defendant. Pursuant to 28 U.S.C. § 3205(c)(4), your answer must state, under oath, the following information:

a. Whether or not you have in your custody, control, or possession, any property owned by the defendant in which the defendant has a substantial nonexempt interest, including

1 nonexempt disposable earnings;

2 b. a description of such property and the value of such property;

3 c. a description of any previous garnishments to which such property is subject and  
4 the extent to which any remaining property is not exempt; and

5 d. the amount of the debt you anticipate owing to the defendant in the future and  
6 whether the period for payment will be weekly or another specified period.

7 For your convenience, a form which addresses the above-requested information is attached and  
8 may be used to answer the Writ.

9 3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and  
10 (c)(4), within ten (10) days after service of this Writ upon you, you must mail or deliver the original  
11 answer bearing the original signature of the person preparing the answer to the Court at the following  
12 address:

13 Clerk, United States District Court  
14 450 Golden Gate Ave., Box 36060  
San Francisco, CA 94102.

15 At the same time you mail or deliver the original answer to the Court, you must also mail or  
16 deliver a copy of the original answer to both the defendant and attorney for the United States at the  
17 following respective addresses:

18 Kenneth Martin Kyle, 1285046  
19 Missouri Department of Corrections  
ERDCC, 2727 Highway K  
20 Bonne Terry, MO 63628

21 Julie C. Reagin  
22 Assistant U.S. Attorney  
450 Golden Gate Avenue, 9th Floor  
23 P.O. Box 36055  
San Francisco, CA 94102.

24 Please note that the attached form answer contains a certificate of service which needs to be  
25 completed by the person mailing the copies of the answer to the defendant and the attorney for the  
26 United States, and which needs to be filed with the Court along with the answer.

27 IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN  
28

1 ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT FOR  
2 AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE WRIT  
3 AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE THE  
4 APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO SHOW GOOD  
5 CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT WILL ENTER A  
6 JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEFENDANT'S NONEXEMPT  
7 INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE  
8 COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES  
9 AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED  
10 HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO APPEAR.

11 SUSAN Y. SOONG,  
12 Clerk of the United States  
13 District Court for the Northern  
14 District of California

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Dated: 10/17/16

By:   
Deputy Clerk